

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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FIDELITY and GUARANTY
INSURANCE COMPANY,

Plaintiff

v.

Civil Action No. 04-10250 EFH

STAR EQUIPMENT CORPORATION,
CHARLENE B. FORAN, JOHN J. FORAN
and TOWN OF SEEKONK,

Defendants

**OPPOSITION OF THE DEFENDANTS STAR EQUIPMENT,
CHARLENE B. FORAN and JOHN J. FORAN
TO FIDELITY and GUARANTY INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

The defendants Star Equipment ("Star"), Charlene B. Foran and John J. Foran (collectively, "the Forans"), hereby oppose the motion of Fidelity and Guaranty Insurance Company ("F&G") for the entry of a summary judgment as to Counts Two and Three of its complaint for Declaratory Judgment.

In support of this opposition, the defendants file their Statement of Material Facts in Dispute, Affidavit of John J. Foran, and Memorandum of Law in Opposition to Motion for Summary Judgment.

For the reasons set forth in the documents filed, these defendants respectfully submit that the entry of a summary judgment as to Counts Two and Three would be

premature at this time, there existing material issues of fact in dispute which preclude the entry of such judgment.

Respectfully submitted,
By their attorney,


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DATE: December 7, 2005